

REGISTER



South Dakota Legislative Research Council

Volume 38

Monday, 8:00 a.m., June 18, 2012

NOTICES OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Game, Fish and Parks:

(June 11, 2012) intends to adopt an EMERGENCY rule to amend ARSD 41:09:04:03 for the purpose of closing the East Vermillion River, West Vermillion River, and Firesteel Creek below Lake Mitchell to the commercial taking of bait and noncommercial taking of bait by lawful anglers. The general authority for this rule, as cited by the department, is SDCL§ 41-2-18.

A public hearing will be held at a special teleconference meeting scheduled for June 18, 2012, at 1:00 p.m. (CDT)/Noon (MDT). Locations where the public may listen to and participate in the teleconference meeting are the GFP Large Conference Room, 2nd Floor, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota; the Outdoor Campus, 4500 Oxbow Avenue, Sioux Falls, South Dakota; and the GFP Regional Office, 4130 Adventure Trail, Rapid City, South Dakota. A copy of the proposed emergency rule may be obtained from the Department of Game, Fish and Parks, 523 East Capitol Avenue, Pierre, South Dakota 57501.

Department of Environment and Natural Resources: Water Management Board:

(June 15, 2012) intends to amend rules to provide definitions of terms "livestock" and "confinement operation" and repeal the definition of "stock watering;" remove the requirement that the Water Management Board have an official seal; modify definition of water uses requiring a water permit or right in part due

to statutory changes; repeal definition of what is not a water distribution system; reduce the requirements for registering a domestic well as well as for completing applications for water permits and vested water right claims; remove the reference to a public hearing in the assignment of a number to a permit application; remove references to publication of notices a second time and reduce the number of days needed to issue a water permit; and modify who can provide irrigation water use information to the chief engineer and how the information can be reported. The general authority for these rules, as cited by the department, is SDCL §§ 46-1-16, 46-2-3.1, 46-2-5, and 46-5-11.

A public hearing will be held at the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on July 11, 2012, at 9:15 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Department of Environment and Natural Resources, Water Rights Program, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota 57501-3182. Copies of the proposed rules and supporting documentation can also be obtained by visiting the Department's web page at <http://denr.sd.gov/740201.pdf>. Written comments must be received by the close of business on July 10, 2012, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-5559 at least 48 hours before the public hearing.

Department of Agriculture: Animal Industry Board: (June 15, 2012) intends to amend rules to relax the requirements for a certificate of

veterinary inspection to accompany cats and dogs entering the state with their owners for a period of less than 30 days and update current dates of reference material. The general authority for these rules, as cited by the board, is SDCL §§ 1-26-1, 40-1-25, 40-3-9, 40-3-14, 40-3-25, 40-3-26, 40-5-8.6, 40-15-14, and 40-15-36.

A public hearing will be held at the Animal Industry Board Office, 411 South Fort Street, Pierre, South Dakota, on July 10, 2012, at 1:30 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Animal Industry Board Office, 411 South Fort Street, Pierre, South Dakota 57501. Material sent by mail must reach the Board Office by July 9, 2012, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 773-3321 at least 48 hours prior to the hearing.

Department of Public Safety: (June 15, 2012) intends to adopt EMERGENCY rules to temporarily permit the sale of 85 Octane gasoline on an emergency basis throughout South Dakota but to require accurate labeling as well as mandatory cautionary labeling and to require basic record keeping in accordance with already enacted federal regulations. The general authority for these rules, as cited by the department, is SDCL § 37-2-6.

Department of Public Safety: Office of Weights and Measures: (June 15, 2012) intends to adopt rules to permit the sale of 85 Octane gasoline throughout South Dakota but require cautionary labeling, to specify the required retail dispenser labeling requirements, to require documentation for product quantity, grade and rating, and to define the duties of refiners, importers, producers, distributors and retailers consistent with the Code of Federal Regulations Title 16, Parts 306.5 through 306.12, inclusive. The general authority for these rules, as cited by the

department, is SDCL § 37-2-6.

A public hearing will be held in the Capitol Lake Visitor's Center, 650 East Capitol Avenue, Pierre, South Dakota, on July 20, 2012, at 10:00 a.m. CDT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Department of Public Safety, Office of Weights and Measures Program, 118 West Capitol, Pierre, South Dakota 57501-2000. Material sent by mail must reach the Department of Public Safety by July 30, 2012, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3697 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

**DEPARTMENT OF SOCIAL SERVICES:
DIVISION OF ECONOMIC ASSISTANCE:**
Chapter 67:57:01.

History-Notice: 38 SDR 177, April 16, 2012
Hearing: May 3, 2012
Filed: June 11, 2012
Effective: July 1, 2012

DEPARTMENT OF SOCIAL SERVICES: DIVISION OF MEDICAL SERVICES:

67:16:03:06.04, 67:16:03:06.06,
67:16:03:06.17; 67:16:04:60; 67:16:06:04;
67:16:14:06, 67:16:14:06.09, and 67:16:14:10.

History-Notice: 38 SDR 177, April 16, 2012
Hearing: May 8, 2012
Filed: June 11, 2012
Effective: July 1, 2012

Executive Appointments:

Peggy L. Dixon, Rapid City, was appointed on June 12, 2012, to the **Water Management Board**, to replace Bernita Loucks, effective

July 12, 2012, and shall continue until June 30, 2016.

Donald Meyers, Mitchell, was reappointed on June 12, 2012, to the **Petroleum Release Compensation Board**, effective immediately and shall continue until May 1, 2017.

Terry G. Nelson, Black Hawk, was reappointed on June 12, 2012, to the **South Dakota Economic Development Finance Authority Board of Directors**, effective immediately and shall continue until June 30, 2016.

Susan L. Purintun, DeSmet, was appointed on June 12, 2012, to the **South Dakota Professional Administrators Practices and Standards Commission**, to replace Christi Schaeftbauer, effective immediately and shall continue until December 31, 2013.

Steven O. Scharnweber, Pierre, was appointed on June 12, 2012, to the **South Dakota Railroad Authority**, to replace Dennis Yeaton, effective immediately and shall continue until January 18, 2016.

Clinton Waara, Sioux Falls, was reappointed on June 12, 2012, to the **Hagen-Harvey Memorial Scholarship Board**, effective immediately and shall continue until July 1, 2017.

Rodney Freeman, Jr., Huron, was reappointed on June 13, 2012, to the **Water Management Board**, effective immediately and shall continue until June 30, 2016.

James Hutmacher, Oacoma, was reappointed on June 13, 2012, to the **Water Management Board**, effective immediately and shall continue until June 30, 2016.

David Kallemeyn, Rapid City, was reappointed on June 13, 2012, to the **Petroleum Release Compensation Board**, effective immediately and shall continue until May 1, 2017.

Legislative Appointments:

Michael DeMersseman, Rapid City, was reappointed on June 11, 2012, to the **Code Commission**, effective immediately and shall continue until June 30, 2014.

Michael DeMersseman, Rapid City, was reappointed on June 11, 2012, to the **Uniform Laws Commission**, effective immediately and shall continue until July 31, 2015.

Representative Marc Feinstein, Sioux Falls, was reappointed on June 11, 2012, to the **Uniform Laws Commission**, effective immediately and shall continue until July 31, 2015.

David Hillard, Rapid City, was appointed on June 11, 2012, to the **South Dakota Investment Council**, to replace Joseph Anglin, effective July 1, 2012, and shall continue until June 30, 2017.

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

6-21-2012	Transportation	Amend rules to extend a 25 mile per hour limited speed zone on U.S. Highway 83 entering Mound City further north and correct
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		a legal description; and create a 45 mile per hour limited speed zone on State Trunk Highway 248 through Draper and correct a legal description; 38 SDR 213.
6-21-2012	Labor and Regulation: Division of Insurance	Amend rules to incorporate the new 2012 Medicare coverage amounts and allow for insurers to utilize persons other than insurance agents to complete applications for insurance; 38 SDR 219.
6-26-2012	Transportation: Aeronautics Commission	Amend rules to eliminate a definition for "private commercial airport," add a definition for "publicly owned airport," and revise the definitions of "public airport" and "private airport;" clarify the requirement concerning licensing or approval by the Aeronautics Commission of public airports and any private airport, landing field, or heliport located within two miles of the nearest boundary of any other approved airport; and repeal a rule which sets minimum requirements for private commercial airports; 38 SDR 199.
6-27-2012	Agriculture: State Brand Board	Adopt rules to increase the fee for replacing a duplicate brand certificate and increase the per head inspection fee for livestock ownership inspection; 38 SDR 204.
7-3-2012	Bureau of Administration	Amend rules to increase the maximum fees chargeable for legal publications required by state law; 38 SDR 219.
7-10-2012	Agriculture: Animal Industry Board	Amend rules to relax the requirements for a certificate of veterinary inspection to accompany cats and dogs entering the state with their owners for a period of less than 30 days and update current dates of reference material; 39 SDR 223.
7-11-2012	Environment and Natural Resources: Water Management Board	Amend rules to provide definitions of terms "livestock" and "confinement operation" and repeal the definition of "stock watering;" remove the requirement that the Water Management Board have an official seal; modify definition of water uses requiring a water permit or right in part due to statutory changes; repeal definition of what is not a water distribution system; reduce the requirements for registering a domestic well as well as for completing applications for water permits and vested water right claims; remove the reference to a public hearing in the assignment of a number to a permit

		application; remove references to publication of notices a second time and reduce the number of days needed to issue a water permit; and modify who can provide irrigation water use information to the chief engineer and how the information can be reported; 38 SDR 233.
7-20-2012	Public Safety: Office of Weights and Measures	Adopt rules to permit the sale of 85 Octane gasoline throughout South Dakota but require cautionary labeling, to specify the required retail dispenser labeling requirements, to require documentation for product quantity, grade and rating, and to define the duties of refiners, importers, producers, distributors and retailers consistent with the Code of Federal Regulations Title 16, Parts 306.5 through 306.12, inclusive; 38 SDR 224.
9-7-2012	Tourism: State Historical Society	Amend rules to set standard fees for services provided by the State Historical Society; revise the State Historic Preservation Office's review and handling of property tax moratorium applications; and alter when recipients of Deadwood Fund preservation grants from the State Historic Preservation Office must file the required preservation covenant for the grant; 38 SDR 199.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, July 10, 2012, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2012 interim: August 14, September 18, November 13, and December 18.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.

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